



**MAX PLANCK INSTITUTE**

FOR COMPARATIVE PUBLIC LAW  
AND INTERNATIONAL LAW

## **HUMAN RIGHTS DISCUSSION GROUP**

**Christoph Hofstätter**

**Assistant Professor at the University of Graz, Austria**

***“Same-Sex Marriage in Austria –  
Guaranteed by the Constitution or only by the Constitutional Court?”***

**Wednesday, 14 November 2018, 14:00 – 15:30, Room 014**

In Austria, located in between Western European liberalism and Eastern European scepticism when it comes to same-sex marriage, same-sex couples will be able to marry starting January 1, 2019. One could think that this new era of gender equality was a legislative decision, however, it was not the parliament that finally abolished the traditional concept of marriage, but the Austrian Constitutional Court. Over the past years, the Constitutional Court has played a crucial role in strengthening the legal status of same-sex couples, despite the fact that one milestone - the Registered Partnership as a form of legal recognition for same-sex couples - was introduced by parliament in 2010. Based on the dualism of the Registered Partnership Act and the Civil Code, the Court finally found an argument to declare the limitation of marriage to opposite-sex couples unconstitutional. Whether this argument was actually well-founded is still subject of the academic debate in Austria – and (now?) also in Heidelberg.



Dr Christoph Hofstätter studied law and French in Graz and Poitiers and held a position as law clerk at the Austrian Constitutional Court. Since 2015, he is assistant professor at the University of Graz and working on his habilitation concerning the Austrian constitutional court system.

**Max Planck Institute for Comparative Public Law and International Law**

Contact: Elif Askin (askin@mpil.de)